

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

DON BLANKENSHIP,

Plaintiffs,

vs.

HONORABLE ANDREW NAPOLITANO
(RET.) et al.

Defendants.

Case No.: 2:19-cv-00236

[Honorable John T. Copenhaver, Jr.]

**EXPEDITED AND UNOPPOSED MOTION AND MEMORANDUM IN SUPPORT OF
AMENDED MOTION TO DISMISS BRIEFING SCHEDULE**

In accordance with the Federal Rules of Civil Procedure 6(b) and Local Rules 7.1(a)(2), Plaintiff Don Blankenship (“Plaintiff”), through his undersigned counsel, with the consent of Defendants Cable News Network, Inc., Sarah Elizabeth Cupp, Joe Lockhart, Josh Dawsey, Jenna Johnson, Dana Milbank, Amber Phillips, WP Company LLC (d/b/a The Washington Post), Michelangelo Signorile, HuffingtonPost.com, Inc., Eli Lehrer, Breakfast Media, LLC, Andrew Feinberg, Bradley Blakeman, Neil Cavuto, Stephanie Hamill, John Layfield, Elizabeth MacDonald, Fox News Network, LLC, Hon. Andrew Napolitano, MSNBC Cable LLC, NBCUniversal LLC, CNBC LLC, Chris Hayes, Joy-Ann Lomena-Reid, Leigh Ann Caldwell, Brian Schwartz, Dan Rather, News and Guts LLC, National Republican Senatorial Committee, Griffin Connolly, FiscalNote, Inc., Kevin McLaughlin, The Washington Times LLC, Benjamin Wolfgang, American Broadcasting Companies, Inc., Capitol Hill Publishing, Inc. (d/b/a The Hill), Cathleen Decker, Nicole Hensley, Jen Kerns, Josh Kraushaar, Los Angeles Times

Communications, LLC, David Martosko, Gideon Resnick, The Daily Beast Company LLC, The National Journal Group LLC, Daily News L.P., David Bergstein, Democratic Senatorial Campaign Committee, Justin Lavoie, Lauren Passalacqua, Ben Ray, Courtney Rice, and The Charleston Gazette-Mail (collectively, “Defendants”), respectfully moves this Court for an Order amending the current briefing schedule for Defendants’ respective motions to dismiss as follows: (1) extending the time for Plaintiff to file oppositions to Defendants’ respective motions to dismiss, up to and including September 30, 2019; and (2) extending the time for Defendants to file their respective replies to Plaintiff’s oppositions, up to and including October 21, 2019. In support of this Unopposed Motion, Plaintiff states as follows:

1. On April 9, 2019, Plaintiff filed the operative First Amended Complaint (“FAC”), naming the Defendants, among other defendants.
2. On August 16, 2019, Defendants, filed various motions to dismiss in response to the FAC.
3. Due to the number of motions to dismiss filed on August 16, 2019 and the complexity of this case, good cause exists to amend the current motion to dismiss briefing schedule.
4. Accordingly, counsel for Defendants have agreed to Plaintiff’s request for an extension of time to file oppositions to their motions to dismiss, with the new deadline of September 30, 2019.
5. Counsel for Plaintiff have agreed to extend the time for Defendants to file their respective replies, with the new deadline of October 21, 2019.
6. Plaintiff’s counsel has conferred with Defendants’ respective counsel, who have agreed with the above amended motion to dismiss briefing schedule and will not oppose this

Motion.

7. Plaintiff therefore respectfully requests that the Court, with the agreement of counsel for Defendants: (1) extend the time for Plaintiff to file oppositions to Defendants' respective motions to dismiss, up to and including September 30, 2019; and (2) extend the time for Defendants to file their respective replies to Plaintiff's oppositions, up to and including October 21, 2019.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that the Court grant this Unopposed Motion and enter the accompanying proposed Order amending the current briefing schedule for Defendants' pending motions to dismiss, filed on August 16, 2019, as follows: (1) that Plaintiff shall file its oppositions to Defendants' respective motions to dismiss by no later than September 30, 2019; and (2) that Defendants shall file their respective replies to Plaintiff's oppositions by no later than October 21, 2019.

Date: August 22, 2019

Respectfully submitted,

DON BLANKENSHIP

By Counsel

/s/ Jeremy Gray

Eric P. Early, Esq.

(CA State Bar No. 166275, *pro hac vice*)

Jeremy Gray, Esq.

(CA State Bar No. 150075, *pro hac vice*)

Kevin S. Sinclair, Esq.

(CA State Bar No. 254069, *pro hac vice*)

EARLY SULLIVAN WRIGHT

GIZER & McRAE LLP

6420 Wilshire Blvd., 17th Floor

Los Angeles, CA 90048

323.301.4660

early@earlysullivan.com

jgray@earlysullivan.com

ksinclair@earlysullivan.com

/s/ Jeffrey S. Simpkins
Jeffrey S. Simpkins, Esq.
WVSB #9806
SIMPKINS LAW
102 E. 2nd Ave.
Williamson, WV 25661
304.235.2735
simpkinslawoffice@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the Electronic Service List for this Case.

/s/ Jeremy Gray
Jeremy Gray, Esq